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(1)

BEFORE THE HON'BLE HIGH COURT OF CHHATTISGARH AT BILASPUR

Single Bench

In the Matter of W.P.NO. 1654 /2003.

PETITIONER Ajay Kumar Nonhare, aged about 25 years, son of Shri Heeral Lal Nonhare, resident of 145 /B-1, M.A. Type, Township, Rajhara Distt. Durg (Chhattisgarh).

VERSUS

RESPONDENTS

1. State of Chhattisgarh, through Secretary, Department of Excise Mantralay, D.K.S. Bhawan, Raipur (Chhattisgarh).
2. Commissioner, Excise, Mantralay, D.K.S. Bhawan, Raipur (Chhattisgarh)
3. Collector, Distt. Durg (Chhattisgarh).
4. Station House Officer, Police Station Rajhara, Distt. Durg (Chhattisgarh).

P. R. No. ... Presented by Shri Sanjay Kumar ... dated 20.05.03

PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF WRIT IN THE NATURE OF MANDAMUS, CERTIORARI OR ANY OTHER WRIT OF LIKE NATURE.

XI-HC-22

(31)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P. NO. 1654/2003 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	03/06/2003	

Shri Sanjay K. Agarwal, counsel for the petitioner.

Shri Sunil Sinha, Addl. Advocate General for the State.

Considering the nature of the prayer made, the matter is taken up during the vacation and on the prayer and consent of learned counsel for the petitioner and the respondent, the matter is being disposed of.

The petitioner is the owner of the Motor Vehicle (Mahindra Jeep) bearing registration No. M.P-24-G-6434 which was seized in connection with an offence under Section 34(1) A (2) of the Chhattisgarh Excise Act, 1915 (as amended by the Amendment Act, 2000). A challan was filed before the Court of Judicial Magistrate, First Class, Balod, Dist. Durg and after being tried, the petitioner has been acquitted of the charges framed against him. Since liquor was being transported as alleged and the vehicle was seized, a case was also registered for confiscation of the vehicle in question before the Collector, Durg vide Case No. 18/2001 in which an order of confiscation was passed. Aggrieved therewith, the petitioner has

[पीछे देखिये

(32)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

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मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

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preferred an appeal under Section 47-B of the Act as amended in 2000 which is pending before the respondent no.2 – Commissioner, Excise, Chhattisgarh.

The grievance of the petitioner is that since he has been acquitted, the order of confiscation (Annexure P/1) is liable to be quashed and the vehicle is liable to be released and restored to him.

Since an appeal against the order of confiscation has been filed, the Court feels that it would be appropriate for the Excise Commissioner – respondent no.2 herein to dispose of the appeal on merits.

Considering the facts and circumstances of the case, the respondent no.2 is directed to dispose of the appeal preferred by the petitioner within a period of four weeks from the date of communication/receipt of this order. It is made clear that the Court is not expressing any opinion on the merits of the petitioner's appeal which will be disposed of by the Commissioner on its own merit and in accordance with law, as directed.

[पीछे देखिये

XI-HC-22

(331)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	With the aforesaid observations and directions, this writ petition is disposed of. Consequently, M.W.P.No.1454/2003 for interim relief, I.A.No.4701/2003 for urgent hearing and I.A.No.4702/2003 for hearing during summer vacation also stand disposed of. **Sd/-** **P.C.Naik** **Judge**	